IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.No 4665 /04

PETITIONER

Amrit Lal Gupta, S/o. Chunni Lal Gupta, Aged about 66 years, Occupation – Lawyer and Notary, R/o. Pendra Road (Gaurela), Rest House Road, Pendra Road, Tahsil Pendra Road, District Bilaspur (C.G.)

P.R. No. 4665/04
Presented by Shri Vishwanath
dated 29/11/04

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through Secretary,
Law & Legal Affairs Department,
Office at D.K.S. Bhawan, Raipur
(C.G.).

2. Deputy Secretary,
Law & Legal Affairs Department,
Office at D.K.S. Bhawan, Raipur
(C.G.)

3. District Judge, Competent Authority under Notary Rules, District & Sessions Court, Bilaspur (C.G.).

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29/11/04
Advocate for A.G. Bilaspur

V.N. Goswami
VISHWANATH GOSWAMI, ADVOCATE

7611/04
29/11/04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

DETAILS OF THE PETITION

1. PARTICULARS OF THE PETITIONER

As given in the cause title.

(23)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. NO 4665/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

10-1-2005

Shri Vishwanath Goswami, counsel for the petitioner.

Shri N. K. Agrawal, Deputy Advocate General for the State /respondents 1 and 2.

Heard both the counsel.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India questioning the legality, propriety and correctness of the order dated 3-6-2002 (Annexure-P/1) whereby the petitioner's certificate to practice as public notary has been renewed for a period of three years instead of five years.

Brief facts leading to filing of this petition are that the petitioner is practicing as Notary at Pendra Road, Bilaspur. As his tenure of the certificate to practice as notary was expiring, therefore, the petitioner moved an application before the competent authority for renewal of the said certificate and vide order dated 3-6-2002 his certificate was renewed for a period of three years as per the old law and provisions of sub-section (2) of Section 5 of the Notaries act, 1952. Whereas, the said provision stood amended by the Act 36 of 1999, whereby the period of three years was amended to five years w.e.f. 17-12-1999.

I have perused sub-section (2) of Section 5 of the Notaries Act, 1952 which reads thus:-

> "The government appointing the notary may, on receipt of an application and the prescribed fee, renew the certificate of practice of any notary for a period of five years at a time."

(24)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Barve	Therefore, in view of the above provisions the petitioner's certificate to practice as Notary ought to have been renewed for a period of five years. In the circumstances, the petitioner's petition deserves to be allowed. Accordingly, the petition is allowed and the respondents are directed to renew the petitioner's certificate for practicing as Notary for a period of five years instead of three years with effect from the original date from which he was entitled for renewal of the certificate. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	

13.1.05 14/1/05